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COPY**FILED****2012 MAY 15 PM 3:17****CLERK U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
LOS ANGELES**

BY _____

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8
 9 Attorneys for Defendant
 10 INTERNATIONAL CAREER DEVELOPMENT
 CENTER, INC. doing business as ICDC COLLEGE

Gordon & Rees LLP
 275 Battery Street, Suite 2000
 San Francisco, CA 94111

11
 12 UNITED STATES DISTRICT COURT
 13 CENTRAL DISTRICT OF CALIFORNIA

CV12 04236**DMG****(RZx)**

15 BRIAN WILHELM, an individual, on behalf) CASE NO.
 16 of himself and all others similarly situated.)

17 Plaintiffs,)

18 vs.)

19 INTERNATIONAL CAREER
 DEVELOPMENT CENTER, INC., a
 California corporation, dba ICDC
 20 COLLEGE; and DOES 1-100, inclusive.

21 Defendants,)

) LOS ANGELES COUNTY
) SUPERIOR COURT CASE NO.
) BC481389

) CLASS ACTION

) DECLARATION OF AMIT
) PATEL IN SUPPORT OF
) NOTICE OF REMOVAL OF
) ACTION UNDER 28 U.S.C.
) §§ 1332(D), 1441, 1443 AND
) 1453

23 I, Amit Patel, hereby declare:

24 I. I am employed by International Career Development Center, Inc.,
 25 doing business as ICDC College ("ICDC"), as its Vice President of IT & Business
 26 Intelligence. In that role, my job responsibilities include, but are not limited to,
 27 maintaining all electronic student records. Except as to those matters stated herein
 28 on information and belief, I have personal knowledge of the facts stated herein.

- 1 -

DECLARATION OF AMIT PATEL IN SUPPORT OF INTERNATIONAL CAREER
 DEVELOPMENT CENTER, INC. NOTICE OF REMOVAL OF ACTION

Gordon & Rees LLP
275 Battery Street, Suite 2000
San Francisco, CA 94111

1 either based on my direct participation in the matters described or based upon my
2 review of records maintained by ICDC in the normal course of its business. As to
3 the matters set forth herein on information and belief, I am informed and believe
4 those matters to be true. If called upon as a witness, I could and would testify
5 competently under oath as to the facts set forth herein.

6 2. ICDC is now, and was at the time of the filing of this action,
7 incorporated in California, and has its principal place of business in California.

8 3. I have personally reviewed enrollment records for the Homeland
9 Security and Investigation Fast-Track Diploma program and Homeland Security
10 Associate's Degree program for the time period commencing on March 13, 2008
11 and ending May 11, 2012.

12 4. The records indicate that at least 2,300 students enrolled in one or
13 both of those programs during that time period.

14 5. During the enrollment procedure, ICDC obtains the student's address
15 and state of residency. After reviewing the enrollment records, I can verify that
16 over 800 students represented to ICDC that they are residents of states other than
17 California.

18 6. ICDC was served with the Summons and Complaint in this action on
19 April 16, 2012. Attached hereto as Exhibit A is a true and correct copy of the
20 Summons served upon ICDC in this matter, showing the service date as April 16,
21 2012.

22 I declare under penalty of perjury under the laws of the United States that
23 the foregoing is true and correct.

24 Executed this 15th day of May, 2012, at Culver City, California.

25 
26 AMIT PATEL
27
28

EXHIBIT A

SUMMONS (CITACION JUDICIAL)

**NOTICE TO DEFENDANT:
(AVISO AL DEMANDADO):**

**INTERNATIONAL CAREER DEVELOPMENT CENTER, INC., a
California Corporation DBA ICDC COLLEGE; and DOES 1-100, Incl.**

**YOU ARE BEING SUED BY PLAINTIFF:
(LO ESTÁ DEMANDANDO EL DEMANDANTE):**

**BRIAN WILHELM, an individual, on behalf of himself and all others
similarly situated,**

CONFORME SUM-100
ORIGINAL FILED
FOR COURT OF CALIFORNIA
(SOLO PARA LOS TRIBUNALES DE CALIFORNIA)
COUNTY OF LOS ANGELES

MAR 23 2012

John A. Clarke, Executive Officer/Clerk
BY Shaunya Wesley Deputy

NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association. **NOTE:** The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case. **AVISO!** Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted puede usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.sucorte.ca.gov) o poniéndose en contacto con la corte o el colegio de abogados locales. **AVISO:** Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 o más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desahuciar el caso.

The name and address of the court is:

(El nombre y dirección de la corte es): Los Angeles County Superior Court
Central District- Stanley Mosk Courthouse, 111 N. Hill Street, Los
Angeles, CA 90012

CASE NUMBER:
(Número del caso) **BC 481389**

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:

(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):
Rosa Vigil-Gallenberg Esq., 9701 Wilshire Blvd, Suite 1000, Beverly Hills, CA 90212

DATE:

(Fecha)

MAR 23 2012

Clerk, by
(Secretario)

Shaunya Wesley

Deputy
(Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (Form POS-010).)

(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).

(SEAL)

NOTICE TO THE PERSON SERVED: You are served

1. ☒ as an individual defendant.
2. ☐ as the person sued under the fictitious name of (specify):

3. ☒ on behalf of (specify): International Career Development Center, Inc., a California Corporation DBA ICDC College

- under: ☒ CCP 416.10 (corporation) ☐ CCP 416.60 (minor)
☐ CCP 416.20 (defunct corporation) ☐ CCP 416.70 (conservatee)
☐ CCP 416.40 (association or partnership) ☐ CCP 416.90 (authorized person)
☐ other (specify):

4. ☒ by personal delivery on (date): 04-16-12

PROOF OF SERVICE

I am a resident of the State of California, over the age of eighteen years, and not a party to the within action. My business address is: Gordon & Rees LLP 275 Battery Street, Suite 2000, San Francisco, CA 94111. On May 15, 2012, I served the within documents:

Declaration of Amit Patel In Support Of Notice Of Removal of Action Under 28 U.S.C. §§ 1332(D), 1441, 1443 And 1453

- ☐ by transmitting via facsimile the document(s) listed above to the fax number(s) set forth below on this date before 5:00 p.m.
- ☐ by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in United States mail in the State of California at San Francisco, addressed as set forth below.
- ☒ by placing a true copy thereof enclosed in a sealed envelope, at a station designated for collection and processing of envelopes and packages for overnight delivery by FedEx as part of the ordinary business practices of Gordon & Rees LLP described below, addressed as follows:

Rosa Vigil-Gallenberg
Gallenberg PC
9701 Wilshire Boulevard, Suite 1000
Beverly Hills, CA 90212

Attorneys for Plaintiff
Brian Wilhelm

Ph: 310-295-1654
Fx: 310-733-5654
rosa@gallenberglaw.com

I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after the date of deposit for mailing in affidavit.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on May 15, 2012 at San Francisco, California.


Debbie McKee